

and if they disagreed with the judge as to what the damages were, then to find the judge did not assess the damages (as was his duty to do) fully and adequately compensating the injured person; that whatever amount they determined was the damages should be credited with the amount paid.

By all consideration, historical, procedural and practical, once the damages, properly assessed, are paid and accepted by the injured person there should be no further

recovery. This should be an adjudication of the issue of damages, clearly at issue before the judge as well as before the jury, and should be satisfaction of the liability of a civil nature. This then is "liability imposed by law for damages" for which the insurer agreed to pay. There is no difficulty in interpreting the expression, but, unless the courts hold the payment of the damages assessed by the criminal court to be final there will be difficulty in its application.

Cumulative Index of Addresses and Articles Appearing in Insurance Counsel Journal and Year Book 1928—1942

Accident

"Is the Contraction of Silicosis an Accident," by William O. Reeder. (Journal—July—1935) Page 17

"Wanton Act Not Accidental," by Russell M. Knepper. (Journal—April, 1937) Page 37

"The Effect of the Presumption Against Suicide Upon Burden of Proof in Life and Accident Cases," by Richard B. Montgomery, Jr. (Journal—October, 1935) Page 51

"The Law in Accident Cases in the Federal Court," by Richard B. Montgomery, Jr. (Journal—April, 1938) Page 22

"The Need of a Separate Statutory Classification for Accident and Health Insurance," by Harold R. Gordon. (Year Book—1933) Page 100

"Exemption of Accident Insurance to Widows and Children," by Charles A. Noone. (Journal—July, 1938) Page 8

"Aircraft Clauses in Accident Policies," by Wm. O. Reeder. (Year Book—1930) Page 48

"A Death Caused by the Wilful, Intentional Act of Another is Not Accidental," by Russell M. Knepper. (Journal—April, 1936) Page 27

"VII. This Agreement Shall Apply Only to Such Injuries so Sustained by Reason of Accidents Occurring During the Policy Period Limited and Defined as Such in Item 2 of Said Declarations," by Benj. Brooks. (Journal—July, 1938) Page 21

"Accidental Means," by Wm. Marshall Bullitt. (Year Book—1928) Page 12

"Injury Due to Assault as Effected by Accidental Means," by R. C. d'Autremont. (Journal—January, 1939) Page 23

Action After Judgment

"The Right of Injured Party, Who Has Obtained Judgment Against an Assured, to Bring Action Against the Insurance Company During Pendency of an Appeal Without Bond," by A. L. Barber. (Journal—April, 1938) Page 27

Actions Ex Contractu

"The Progress of the Law or the Merging of Ex Contractu Into Ex Delicto," by Robert L. Webb. (Journal—April, 1937) Page 33

Adjuster

"What is Expected by the General Counsel and Home Office of the Trial Attorney and Field Adjuster," by Garner W. Denmead. (Year Book—1933) Page 118

"What is Expected of the General Counsel and Home Office by the Trial Attorney and Field Adjuster," by Russell M. Knepper. (Year Book—1933) Page 132

"The Perennial 'Lay Adjuster' Question," by Sol Weiss. (Journal—January, 1938) Page 39

"The Adjuster Agreement," by Ambrose B. Kelly. (Journal—April, 1939) Page 20

"Chasing Devils," (An Insurance Lawyer's Views on Unauthorized Practice) by E. W. Sawyer. (Journal—October, 1938) Page 42

"What Constitutes the Practice of Law?" by Raymond N. Caverly. (Journal—April, 1938) Page 36

Aeronautics

"The Aeronautics Risk," by E. McD. Kintz. (Year Book—1930) Page 31

"The Progress of Aeronautical Law," by E. Smythe Gambrell. (Journal—October, 1936) Page 69

"Aircraft Clauses in Accident Policies," by Wm. O. Reeder. (Year Book—1930) Page 48

Ambiguity

"Judge Ambiguity," by Edwin A. Jones. (Year Book—1928) Page 42

America

"An Insurance Policy for America's Future," by Will R. Manier, Jr. (Journal—October, 1940) Page 63

"American Ideals," by C. Wayland Brooks. (Journal—January, 1942) Page 12

Annuity

- "The Annuity Contract and the 'Other Woman,'" by Byrne A. Bowman. (Journal—April, 1942)..... Page 11

Appeal Bonds—Rights of Surety

- "Can Surety on Supersedeas Bond Always, After Paying Judgment, Execute Same as Against Principal in Bond?" by Marion N. Chrestman. (Journal—April, 1936)..... Page 18

Appeal Without Bond

- "The Right of Injured Party, Who Has Obtained Judgment Against an Assured, to Bring Action Against the Insurance Company During Pendency of an Appeal Without Bond," by A. L. Barber. (Journal—April, 1938)..... Page 27

Appellate Courts

- "Determinations by State Intermediate Appellate Courts Generally—as Controlling of State Law," by W. L. Kemper. (Journal—July, 1941)..... Page 21

Application for Insurance as Affected by Statutory Provisions

- "Do Statutory Provisions, as to Copy of Application for Insurance Being Furnished Applicant, Apply to Application for Reinstatement," by Calvin Wells, III. (Journal—October, 1937)..... Page 70

Assured

- "Other Insurance," by R. G. Rowe. (Journal—April, 1936)..... Page 26
- "Twisting the Tail of an Auto Liability Policy," by Fred S. Ball, Jr. (Journal—July, 1936)..... Page 22

Association

- By-Laws of the Association. (Journal—January, 1935)..... Page 26
- "The Association—From My Desk," by John A. Luhn. (Journal—April, 1937)..... Page 6

Attorney

- "What is Expected by the General Counsel and Home Office of the Trial Attorney and Field Adjuster," by Garner W. Denmead. (Year Book—1933)..... Page 118
- "What is Expected of the General Counsel and Home Office by the Trial Attorney and Field Adjuster," by Russell M. Knepfer. (Year Book—1933)..... Page 132
- "Mutual Interdependence of Attorneys and Casualty Insurers," by Wilson C. Jainsen. (Journal—April, 1939)..... Page 8

Automobile

- "Compulsory Automobile Liability Insurance," by Edward C. Stone. (Year Book—1931)..... Page 157
- "Standard Automobile Insurance Policy," by R. G. Rowe. (Journal—October, 1934)..... Page 19
- "Discussion of Three New York Decisions," by Joseph B. Murphy. (Journal—April, 1936)..... Page 23
- "Other Insurance," by R. G. Rowe. (Journal—April, 1936)..... Page 26

- "Comments on the Family Purpose Doctrine—Liability When Car Driven by Person Not a Member of Family," by Harvey E. White. (Journal—April, 1937)..... Page 17

- "Compulsory Automobile Liability Insurance," by Ray B. Murphy. (Journal—October, 1939)..... Page 67

- "What is Automobile Theft Insurance?" by M. L. Landis. (Journal—April, 1940)..... Page 23

- "The Defense of Guest Cases," by F. B. Baylor. (Journal—October, 1937)..... Page 29

- "Twisting the Tail of an Auto Liability Policy," by Fred S. Ball, Jr. (Journal—July, 1936)..... Page 22

- "Subrogation Problems," by Oscar J. Brown. (Journal—October, 1936)..... Page 50

- "Are We on the Right Track?" by Leslie P. Hemry. (Journal—April, 1941)..... Page 7

- "The Barnett Case," by Robert P. Hobson. (Journal—July, 1941)..... Page 23

- "Arising Out of the Use," by Royce G. Rowe. (Journal—July, 1941)..... Page 24

- "Surety's Liability for Injuries Resulting from Negligent Operation of a Motor Vehicle by Public Officer," by J. Harry Schisler. (Journal—October, 1942)..... Page 20

Autopsy

- "Contractual Right of Insurance Companies to an Autopsy," by John M. Slaton. (Year Book—1929)..... Page 23

Aviation Problems

- "Future Legal Aviation Problems," by Joseph B. Murphy. (Year Book—1930)..... Page 62

Bad Faith

- "What is 'Bad Faith' as Applied to the Action of an Insurance Carrier in Refusing to Make Settlements, Where Possible, Within the Policy Limits of Liability Policies?" by George W. Yancey. (Year Book—1932)..... Page 16

Bail Bond

- "The Right of a Surety on a Bail Bond to Return a Prisoner to Distant State or to Release a Prisoner Where the Governor Refuses to Issue Extradition," by Wm. A. Porteous, Jr. (Year Book—1931)..... Page 217

Bar—Integrated

- "Integrated Bar," by Gerald P. Hayes. (Journal—July, 1936)..... Page 25

Barnett Case

- "The Barnett Case," by Robert P. Hobson. (Journal—July, 1941)..... Page 23

Beneficiary

- "Right to Recover by Estate Where Beneficiary Murders the Insured," by Charles I. Dawson. (Year Book—1931)..... Page 204

Bill of Rights

- "Citizenship and the Bill of Rights in War Time," by Willis Smith. (Journal—July, 1942) Page 5

Blasting

- "Blasting," by Allan E. Brosmith. (Journal—July, 1942) Page 17

Bogus Claimants

- "Bogus Claimants and Malingerers," by Remington Rogers. (Journal—January, 1935) Page 12

Bonds

- "Penalty of Bond as Limit of Surety's Liability," by John A. Luhn. (Journal—April, 1934) Page 8

- "Surety and Fidelity As It Pertains to Public Official Bonds," by Jacob S. White. (Year Book—1930) Page 155

- "The Background of the Casualty and Bonding Business in the United States," by Raymond N. Caverly. (Journal—October, 1939) Page 62

- "Federal Courts Clarify Rights of Sureties on Bonds of Government Contractors and Establish Procedure for Enforcement," by John A. Luhn. (Journal—April, 1938) Page 9

- "Can Surety on Supersedeas Bond Always, After Paying Judgment, Execute Same as Against Principal in Bond?" by Marion N. Chrestman. (Journal—April, 1936) Page 18

- "Development of the Federal Material-men's Act," by Leonard J. Ganse. (Journal—July, 1936) Page 26

- "Salvage an Important Factor in Surety Cases," by J. Harry Schisler. (Journal—October, 1936) Page 34

Burden of Proof

- "The Effect of the Presumption Against Suicide Upon Burden of Proof in Life and Accident Cases," by Richard B. Montgomery, Jr. (Journal—October, 1935) Page 51

By-Laws

- By-Laws of the Association. (Journal—January, 1935) Page 26

Canada

- "The American Insurance Company in Canada," by Gideon Grant. (Year Book—1930) Page 115

- "Some Recent Developments of the Canadian Constitution," by Louis S. St. Laurent. (Year Book—1931) Page 102

Casualty

- "Right to Direct and Control," by Benj. Brooks. (Journal—April, 1935) Page 3

- "Determining Casualty Coverage in Advance of the Trial of the Main Suit," by H. Reid DeJarnette. (Journal—October, 1934) Page 34

- "Standard Automobile Insurance Policy," by R. G. Rowe. (Journal—October, 1934) Page 19

- "Passenger and Host—Ontario, Canada," by W. C. Davidson. (Journal—July, 1934) Page 14

- "Guest v. Host in the Province of Quebec, Canada," by F. Winfield Hackett. (Journal—July, 1934) Page 7

- "Problems of Casualty Insurance," by Martin P. Cornelius. (Year Book—1933) Page 150

- "Mutual Interdependence of Attorneys and Casualty Insurers," by Wilson C. Jansen. (Journal—April, 1939) Page 8

- "The Background of the Casualty and Bonding Business in the United States," by Raymond N. Caverly. (Journal—October, 1939) Page 62

- "Development of Discovery Rule in Casualty Insurance Cases," by L. J. Carey. (Journal—January, 1940) Page 31

- "Suggestions Concerning the Development of Casualty Cases," by Joe G. Sweet. (Journal—April, 1940) Page 21

- "Are We on the Right Track?" by Leslie P. Hemry. (Journal—April, 1941) Page 7

- "The Casualty Home Office Looks to Local Counsel for Better Public Relations," by Victor C. Gorton. (Journal—October, 1941) Page 62

Charitable Institutions

- "Responsibility of Charitable Institutions for Tort," by Pat H. Eager, Jr. (Journal—October, 1939) Page 23

- "Liability of a Privately Conducted Charity for Personal Injuries," by Stevens T. Mason. (Journal—January, 1936) Page 17

Chasing Devils

- "Chasing Devils," (An Insurance Lawyer's Views on Unauthorized Practice) by E. W. Sawyer. (Journal—October, 1938) Page 42

Citizenship

- "Citizenship and the Bill of Rights in War Time," by Willis Smith. (Journal—July, 1942) Page 5

Claimants

- "Bogus Claimants and Malingerers," by Remington Rogers. (Journal—January, 1935) Page 12

- "A Message from the Garden State," by Herbert W. J. Hargrave. (Journal—July, 1938) Page 18

- "Combating Fraudulent Claims," by Frank M. Parrish. (Journal—July, 1938) Page 26

Claims Bureau

- "Insurance Counsel and the Claims Bureau," by Barent Ten Eyck. (Journal—July, 1940) Page 32

Classification

- "The Need of a Separate Statutory Classification for Accident and Health Insurance," by Harold R. Gordon. (Year Book—1933) Page 100

Common Law

"An Introduction to the Common Law of Life Insurance," by Joseph H. Collins. (Journal—October, 1935).....Page 39

"Recovery for Occupational Diseases at the Common Law," by George W. Yancey and J. Kirkman Jackson. (Journal—January, 1936).....Page 10

"Effect of Repair Requirements of Housing Laws upon the Common Law Liability of Landlords," by Thomas E. Lipscomb. (Journal—October, 1942).....Page 17

"Some Differences Between the Common Law and That of the Province of Quebec," by Francis J. Lavery. (Year Book—1930).....Page 96

"Common Law Liability for Occupational Diseases in the State of Oklahoma," by Charles B. Steele. (Journal—January, 1938).....Page 19

Compensation

"Insurance Aspects of Compensation for Occupational Diseases," by Thomas N. Bartlett. (Journal—January, 1940).....Page 23

Compensated Surety

"What is a Compensated Surety, and Why," by James A. Dixon. (Journal—July, 1934).....Page 10

Compulsory

"Compulsory Automobile Liability Insurance," by Edward C. Stone. (Year Book—1931).....Page 157

"Compulsory Automobile Insurance and Financial Responsibility Legislation," by Ambrose B. Kelly. (Journal—October, 1938).....Page 37

"Compulsory Automobile Liability Insurance," by Ray B. Murphy. (Journal—October, 1939).....Page 67

Confinement

"Liability Under the Provisions of a Policy of Health Insurance Providing for Both House Confinement and Non-House Confinement," by Harold S. Thomas. (Journal—April, 1935).....Page 15

Consolidation

"The Purchase, Consolidation and Refinancing of Insurance Companies," by Alfred M. Best. (Year Book—1932).....Page 91

Constitution

"Some Recent Developments of the Canadian Constitution," by Louis S. St. Laurent. (Year Book—1931).....Page 102

"Federal Regulation of Insurance under the Constitution," by Bert W. Levit. (Journal—January, 1940).....Page 14

"The Power of the Supreme Court from the Viewpoint of the Layman," by John Godfrey Saxe. (Journal—October, 1936).....Page 55

Construction Bond

"Rights of Persons Furnishing Material or Labor to Subcontractor to Sue Directly on Original Contractor's Construction Bond," by John C. Cooper, Jr. (Year Book—1931).....Page 126

"Fair Construction of Surety Bonds," by Stevens T. Mason. (Journal—January, 1937).....Page 18

Contracts

"Right to Direct and Control," by Benj. Brooks. (Journal—April, 1935).....Page 3

"Liability on Fidelity Insurance Contracts in Excess of the Amount of the Named Insurance," by Hal C. Thurman. (Year Book—1932).....Page 139

"The Annuity Contract and the 'Other Woman'," by Byrne A. Bowman. (Journal—April, 1942).....Page 11

Contraction

"Is the Contraction of Silicosis an Accident," by William O. Reeder. (Journal July—1935).....Page 17

Contractor

"Is a Contractor's Surety Liable for Unpaid Premiums on Workmen's Compensation and Public Liability Policies Executed for the Contractor by Another Company?" by Garner W. Denmead. (Journal—April, 1941).....Page 10

Contribution

"Right of Insurance Company to Subrogation for Contribution from Joint Tort Feasor," by Harvey E. White. (Journal—April, 1936).....Page 11

"When Verdict for Plaintiff Against One of Two Defendants, in a Personal Injury Action, May the Losing Defendant or His Insurance Company Have an Indemnity Action Against the Winning Defendant, as the Real Tort Feasor, Notwithstanding the Verdict," by H. Melvin Roberts. (Journal—October, 1937).....Page 35

"Settlement in States that Allow Contribution Among Tort-Feasors," by Herbert L. Bloom. (Journal—July, 1942).....Page 45

Control

"Right to Direct and Control," by Benj. Brooks. (Journal—April, 1935).....Page 3

Corporate

"Corporate Suretyship," by George M. Weichert. (Journal—October, 1934).....Page 38

Countersignature

"Countersignature Laws," by Andrew D. Christian. (Journal—October, 1939).....Page 54

Coverage

"Determining Casualty Coverage in Advance of the Trial of the Main Suit," by H. Reid DeJarnette. (Journal—October, 1934).....Page 34

"Other Insurance," by R. G. Rowe. (Journal—April, 1936).....	Page 26	Insurance Company Have an Indemnity Action Against the Winning Defendant, as the Real Tort Feasor, Notwithstanding the Verdict," by H. Melvin Roberts. (Journal—October, 1937).....	Page 35
"Twisting the Tail of an Auto Liability Policy," by Fred S. Ball, Jr. (Journal—July, 1936).....	Page 22	Defense	
"The Trend of the Times in Revision of Policy Forms and Broadening of Coverages," by J. M. Sweitzer. (Journal—October, 1940).....	Page 51	"Liability of Insurance Company When it Takes Full Charge of the Investigation and Defense," by Robert L. Webb. (Journal—October, 1935).....	Page 83
"The Origin of Fidelity Coverage," by Raymond N. Caverly. (Journal—October, 1942).....	Page 22	"Wilful Act as Defense Under Liability Policy," by Harvey E. White. (Journal—April, 1938).....	Page 10
Crime		"The Preparation and Defense of Insurance Cases," by David F. Lee. (Year Book—1931).....	Page 59
"Insurance, Crime and British Justice," by F. Phillipe Brais. (Journal—October, 1934).....	Page 43	"Some Observations on the Defense of Personal Injury Cases," by W. H. Sadler. (Journal—July, 1941).....	Page 30
Decision		"Wilful Act as a Defense Under Liability Policy," by Stevens T. Mason. (Journal—October, 1942).....	Page 14
Unauthorized Practice of Law—Decision of Supreme Court of Alabama in case of Birmingham Bar Association v. Phillips & Marsh, et als. (Journal—April, 1940).....	Page 6	Deposit	
"The Trend of Decisions in Actions Between Husband and Wife for Personal Injury," by Clarence W. Heyl. (Journal—January, 1942).....	Page 39	"Is the Deposit of a Trustee in Bankruptcy of an Insolvent Bank Which Has Been Designed as a Depository, a Preferred Creditor Under United States Code, Title 31, Sections 191 and 193, Revised Statutes Section 3466 and 3468," by John G. McKay. (Year Book—1932).....	Page 115
"Report on Federal Rules 17 to 25, Inclusive, and Recent Decisions Thereunder," by F. G. Warren. (Journal—July, 1942).....	Page 29	Directed Verdict	
Debate		"Motion for Judgment Notwithstanding Jury's Disobedience to Direction of Verdict," by Lon Hocker, Jr. (Journal—October, 1937).....	Page 64
"Debate," by Robert Guinther. (Journal—July, 1942).....	Page 22	Disability	
Declaratory Judgments		"The Tragedy of the Efforts of Life Insurance Companies to Provide Benefits in Case of Total and Permanent Disability of Policyholders," by W. Calvin Wells. (Journal—April, 1934).....	Page 11
"Use of the Declaratory Judgment in Determining the Constitutionality of Statutes and Acts Pursuant Thereto," by Willis Smith. (Journal—October, 1935).....	Page 76	"The Application of Incontestability Clauses in Life Insurance Policies to the Double Indemnity and Disability Benefit Provisions Contained Therein," by Richard B. Montgomery, Jr. (Journal—January, 1938).....	Page 13
"An Interesting Case," by Garner W. Denmead. (Journal—April, 1936).....	Page 15	"The Value and Availability of War Risk Decisions in the Defense of Disability Litigation," by R. W. Shackleford. (Journal—April, 1938).....	Page 5
"Declaratory Judgments and Insurance Litigation," by R. G. Rowe. (Journal—April, 1937).....	Page 7	"Notice and Proof Under the Disability Provisions of Life Insurance Policies," by J. W. French. (Journal—January, 1939).....	Page 13
"Some Observations on the Declaratory Judgment Statutes," by Robert M. Noll. (Journal—April, 1939).....	Page 15	Discovery Rule	
"The Importance of the Federal Declaratory Procedure to Insurance Carriers," by R. W. Shackleford. (Journal—October, 1939).....	Page 38	"Development of Discovery Rule in Casualty Insurance Cases," by L. J. Carey. (Journal—January, 1940).....	Page 31
(Comments on Mr. Shackleford's Address, by Frank X. Cull) (Journal—October, 1939).....	Page 52	Disclaimer	
"The Barnett Case," by Robert P. Hobson. (Journal—July, 1941).....	Page 23	"An Equitable Disclaimer?" by Benj. Brooks. (Journal—January, 1937).....	Page 24
Defendant—Right of One to Compel Contribution from the Other Notwithstanding the Verdict			
"When Verdict for Plaintiff Against One of Two Defendants, in a Personal Injury Action, May the Losing Defendant or His			

- "Disclaimer, Letters of Reservation of Rights and Non-Waiver Agreements under Liability Insurance Policies," by C. M. Horn. (Journal—October, 1940)..... Page 42
- Disease**
- "Is a Disease Resulting from Employer's Negligence Actionable?" by Stevens T. Mason. (Journal—July, 1938)..... Page 25
- "Common Law Liability for Occupational Diseases in the State of Oklahoma," by Charles B. Steele. (Journal—January, 1938)..... Page 19
- "Insurance Aspects of Compensation for Occupational Diseases," by Thomas N. Bartlett. (Journal—January, 1940)..... Page 23
- "Is the Contraction of Silicosis an Accident," by William O. Reeder. (Journal—July, 1935)..... Page 17
- Double Indemnity**
- "Taking Poison and Inhaling Gas as an Exception to the Double Indemnity Provision," by L. A. Stebbins. (Journal—January, 1935)..... Page 10
- "The Application of Incontestability Clauses in Life Insurance Policies to the Double Indemnity and Disability Benefit Provisions Contained Therein," by Richard B. Montgomery, Jr. (Journal—January, 1938)..... Page 13
- Drugs**
- "Liability of Health Insurer for Mental Incapacity Produced by Excessive Use of Drugs," by Milo H. Crawford. (Journal—April, 1937)..... Page 11
- Dust Diseases—A Legislative Problem**
- "Dust Diseases as a Legislative Problem," by Raymond N. Caverly. (Journal—January, 1937)..... Page 27
- "Is the Contraction of Silicosis an Accident," by William O. Reeder. (Journal—July, 1935)..... Page 17
- Embezzled Funds**
- "Restitution of Embezzled Funds," by Stevens T. Mason. (Journal—January, 1938)..... Page 37
- Employer—Suit by Wife, Negligence of Husband**
- "Wife v. Husband's Employer," by J. Roy Dickie. (Journal—April, 1936)..... Page 2
- Emergencies**
- "Emergencies at Death," by W. H. Trentman. (Journal—October, 1942)..... Page 10
- Enemy**
- "Trading With the Enemy," by P. F. Burke. (Journal—April, 1942)..... Page 26
- Equitable Disclaimer**
- "An Equitable Disclaimer?" by Benj. Brooks. (Journal—January, 1937)..... Page 24
- Estate**
- "Where Surety's Cause of Action on Indemnity Agreement Arises After Distribution of Deceased Indemnitor's Estate, Lien can be Impressed on Distributed Property," by Byrne A. Bowman. (Journal—July, 1942)..... Page 12
- Evidence**
- "The Rule in Jump's Case," by Thomas L. Johnson. (Journal—October, 1937)..... Page 45
- "Discretionary Power of Courts in Allowing or Excluding Testimony of Injuries Not Anticipated from Pleadings," by Del B. Salmon. (Journal—January, 1937)..... Page 12
- Evolution of Suretyship**
- "The Dawn and Evolution of Suretyship," by Ralph R. Hawxhurst. (Journal—October, 1936)..... Page 69
- Excess**
- "Liability on Fidelity Insurance Contracts in Excess of the Amount of the Named Insurance," by Hal C. Thurman. (Year Book—1932)..... Page 139
- Exoneration**
- "Exoneration of Surety," by Stevens T. Mason. (Journal—January, 1939)..... Page 21
- Explosives**
- "Blasting," by Allan E. Brosmith. (Journal—July, 1942)..... Page 17
- Family Purpose Doctrine**
- "Comments on the Family Purpose Doctrine—Liability When Car Driven by Person Not a Member of Family," by Harvey E. White. (Journal—April, 1937)..... Page 17
- Federal**
- "Use of the Federal Declaratory Judgments Act to Test the Constitutionality of State Insurance Statutes," by Willis Smith. (Journal—October, 1935)..... Page 76
- "Recent Developments in Federal Decisions Affecting the Insurance Practitioner," by Wilbur E. Benoy. (Journal—October, 1938)..... Page 53
- "The Law in Accident Cases in the Federal Court," by Richard B. Montgomery, Jr. (Journal—April, 1938)..... Page 22
- "Recent Attempts to Limit the Jurisdiction of Federal Courts," by Howard B. Lee. (Year Book—1932)..... Page 103
- "Federal Courts Clarify Rights of Sureties on Bonds of Government Contractors and Establish Procedure for Enforcement," by John A. Luhn. (Journal—April, 1938)..... Page 9
- "Federal Regulation of Insurance under the Constitution," by Bert W. Levit. (Journal—January, 1940)..... Page 14
- "Federal Practice and Procedure Special Verdicts," by John H. Hughes. (Journal—October, 1941)..... Page 28
- "Third-Party Practice Under Federal Rule," by John A. Kluwin. (Journal—October, 1941)..... Page 35

"The Federal Rules of Civil Procedure and Their Applicability to Insurance Litigation," by John L. Barton. (Journal—January, 1942)..... Page 16

"A Conflict—Settled or Started," by William G. Pickrel. (Journal—April, 1942)..... Page 17

"Report on Federal Rules 17 to 25, Inclusive, and Recent Decisions Thereunder," by F. G. Warren. (Journal—July, 1942)..... Page 29

"Expanding Federal Jurisdiction Under Third-Party Practice," by Lon Hocker, Jr. (Journal—July, 1942)..... Page 32

"The Origin of Fidelity Coverage," by Raymond N. Caverly. (Journal—October, 1942)..... Page 22

"Can Federal Jurisdictional Amount Be Measured by Claim Reserve," by O. A. Fountain and H. A. Bateman. (Journal—April, 1937)..... Page 29

Fidelity

"Surety and Fidelity As It Pertains to Public Official Bonds," by Jacob S. White (Year Book—1930)..... Page 155

"Warranties in Fidelity Insurance," by David A. Murphy. (Year Book—1928)..... Page 28

"Liability on Fidelity Insurance Contracts in Excess of the Amount of the Named Insurance," by Hal C. Thurman. (Year Book—1932)..... Page 139

Financial Responsibility Legislation

"Compulsory Automobile Insurance and Financial Responsibility Legislation," by Ambrose B. Kelly. (Journal—October, 1938)..... Page 37

Forgery

"Suggestions for Handling Forgery Losses With a View to Preserving Salvage Rights," by Stevens T. Mason. (Journal—January, 1941)..... Page 14

Forward

"Looking Forward," by Walter R. Mayne. (Journal—October, 1935)..... Page 32

Fraudulent Claimants

"A Message from the Garden State," by Herbert W. J. Hargrave. (Journal—July, 1938)..... Page 18

"Combating Fraudulent Claims," by Frank M. Parrish. (Journal—July, 1938)..... Page 26

"Bogus Claimants and Malingerers," by Remington Rogers. (Journal—January, 1935)..... Page 12

Gas

"Taking Poison and Inhaling Gas as an Exception to the Double Indemnity Provision," by L. A. Stebbins. (Journal—January, 1935)..... Page 10

General Counsel

"What is Expected by the General Counsel and Home Office of the Trial Attorney and Field Adjuster," by Garner W. Denmead. (Year Book—1933)..... Page 118

"What is Expected of the General Counsel and Home Office by the Trial Attorney and Field Adjuster," by Russell M. Knepner. (Year Book—1933)..... Page 132

"How Home Office General Counsel Operate and How They Like to be Treated," by Milo H. Crawford. (Journal—April, 1938)..... Page 21

"The Casualty Home Office Looks to Local Counsel for Better Public Relations," by Victor C. Gorton. (Journal—October, 1941)..... Page 62

Government

"The Power of the Supreme Court from the Viewpoint of the Layman," by John Godfrey Saxe. (Journal—October, 1936)..... Page 55

"Federal Courts Clarify Rights of Sureties on Bonds of Government Contractors and Establish Procedure for Enforcement," by John A. Luhn. (Journal—April, 1938)..... Page 9

"The Ability of Sureties to Control Payments Due Under Government Contracts," by Thomas F. Mount. (Journal—April, 1938)..... Page 33

"Trading With the Enemy," by P. F. Burke. (Journal—April, 1942)..... Page 26

Guest Cases

"Passenger and Host—Ontario, Canada," by W. C. Davidson. (Journal—July, 1934)..... Page 14

"The Problems of Guest Cases," by Marion N. Chrestman. (Year Book—1930)..... Page 185

"Guest v. Host in the Province of Quebec, Canada," by F. Winfield Hackett. (Journal—July, 1934)..... Page 7

"The Defense of Guest Cases," by F. B. Baylor. (Journal—October, 1937)..... Page 29

Health & Accident Insurance

"The Tragedy of the Efforts of Life Insurance Companies to Provide Benefits in Case of Total and Permanent Disability of Policyholders," by W. Calvin Wells. (Journal—April, 1934)..... Page 11

"The Need of a Separate Statutory Classification for Accident and Health Insurance," by Harold R. Gordon. (Year Book—1933)..... Page 100

"Liability Under the Provisions of a Policy of Health Insurance Providing for Both House Confinement and Non-House Confinement," by Harold S. Thomas. (Journal—April, 1935)..... Page 15

"Violation of Law Clauses in Health and Accident Insurance Policies," by Estes Kefauver. (Journal—January, 1939)..... Page 37

- "Liability of Health Insurer for Mental Incapacity Produced by Excessive Use of Drugs," by Milo H. Crawford. (Journal—April, 1937).....Page 11
- Heard Act**
 "Development of the Federal Material-men's Act," by Leonard J. Ganse. (Journal—July, 1936).....Page 26
- Home Office**
 "To our Trial Counsel the Compliments of the Home Office," by Frank J. Roan. (Journal—October, 1935).....Page 100
 "Aid of Home Office Counsel in the Trial of Cases," by Chas. H. McComas. (Journal—April, 1939).....Page 9
 "How Home Office General Counsel Operate and How They Like to be Treated," by Milo H. Crawford. (Journal—April, 1938).....Page 21
 "The Casualty Home Office Looks to Local Counsel for Better Public Relations," by Victor C. Gorton. (Journal—October, 1941).....Page 62
- House Confinement**
 "Liability Under the Provisions of a Policy of Health Insurance Providing for Both House Confinement and Non-House Confinement," by Harold S. Thomas. (Journal—April, 1935).....Page 15
- Housing Laws**
 "Effect of Repair Requirements of Housing Laws upon the Common Law Liability of Landlords," by Thomas E. Lipscomb. (Journal—October, 1942).....Page 17
- Husband and Wife and Employer**
 "Wife v. Husband's Employer," by J. Roy Dickie. (Journal—April, 1936).....Page 2
 "The Trend of Decisions in Actions Between Husband and Wife for Personal Injury," by Clarence W. Heyl. (Journal—January, 1942).....Page 39
- Independent Contractors**
 "Beware of Independent Contractors," by J. M. Sweitzer. (Journal—July, 1939).....Page 56
- Incontestability Clauses**
 "The Application of Incontestability Clauses in Life Insurance Policies to the Double Indemnity and Disability Benefit Provisions Contained Therein," by Richard B. Montgomery, Jr. (Journal—January, 1938).....Page 13
- Impeachment of Witnesses**
 "Who's Lying Now" by Kenneth B. Hawkins. (Journal—July, 1938).....Page 13
- Indemnity**
 "Other Insurance," by R. G. Rowe. (Journal—April, 1936).....Page 26
 "Validity of Indemnity Executed by Business Corporations on behalf of Third Parties," by Henry W. Nichols. (Journal—January, 1940).....Page 20
- "Where Surety's Cause of Action on Indemnity Agreement Arises After Distribution of Deceased Indemnitor's Estate, Lien can be Impressed on Distributed Property," by Byrne A. Bowman. (Journal—July, 1942).....Page 12
- Individual Suretyship**
 "Hazards of Individual Suretyship," by Harry S. Knight. (Journal—July, 1938).....Page 7
- Infant—Negligence By**
 "Capacity of an Infant to Commit Negligence," by Lowell White. (Journal—April, 1936).....Page 25
- Injured Party**
 "The Right of Injured Party, Who Has Obtained Judgment Against an Assured, to Bring Action Against the Insurance Company During Pendency of an Appeal Without Bond," by A. L. Barber. (Journal—April, 1938).....Page 27
- Injuries**
 "VII. This Agreement Shall Apply Only to Such Injuries so Sustained by Reason of Accidents Occurring During the Policy Period Limited and Defined as Such in Item 2 of Said Declarations," by Benj. Brooks. (Journal—July, 1938).....Page 21
 "Injury Due to Assault as Effected by Accidental Means," by R. C. d'Autremont. (Journal—January, 1939).....Page 23
 "Doctrine of Res Ipsa Loquitur," by Del B. Salmon. (Journal—July, 1936).....Page 33
 "Some Observations on the Defense of Personal Injury Cases," by W. H. Sadler. (Journal—July, 1941).....Page 30
 "Surety's Liability for Injuries Resulting from Negligent Operation of a Motor Vehicle by Public Officer," by J. Harry Schisler. (Journal—October, 1942).....Page 20
- Insurance**
 "Guarding Insurance from Political Spoilation," by Henry Swift Ives. (Journal—October, 1935).....Page 70
 "Unauthorized Insurance," by A. V. Gruhn. (Journal—April, 1935).....Page 20
 "Insurance, Crime and British Justice," by F. Phillipe Brais. (Journal—October, 1934).....Page 43
 "Social Insurance," by Governor Paul V. McNutt of Indiana. (Journal—October, 1934).....Page 17
 "Insurance Laws and Insurance Lawyers," by Hervey J. Drake. (Year Book—1933).....Page 61
 "Court Action Against Abuses in State Regulation of Insurance Rates," by Arthur G. Powell. (Year Book—1930).....Page 236
 "The Effect of Liability Insurance on the Right of an Unemancipated Minor to Bring an Action at Law Against and to Recover from a Parent for Injuries to the Minor's Person Received as a Result of the Negligent and Unlawful Conduct of the Minor's Parent," by Miller Manier. (Journal—April, 1936).....Page 19

"Other Insurance," by R. G. Rowe. (Journal—April, 1936).....	Page 26
"The Insurance Lawyers' Library," by Stanley M. Rosewater. (Journal—October, 1936).....	Page 22
"Is Suretyship Insurance" by Clarence F. Merrell. (Journal—October, 1938).....	Page 30
"Federal Regulation of Insurance under the Constitution," by Bert W. Levit. (Journal—January, 1940).....	Page 14
"Insurance Aspects of Compensation for Occupational Diseases," by Thomas N. Bartlett. (Journal—January, 1940).....	Page 23
"What is Automobile Theft Insurance?" by M. L. Landis. (Journal—April, 1940).....	Page 23
"Insurance Litigation from a Claim Man's Point of View," by Harlan S. Don Carlos. (Journal—October, 1940).....	Page 36
"Disclaimer, Letters of Reservation of Rights and Non-Waiver Agreements under Liability Insurance Policies," by C. M. Horn. (Journal—October, 1940).....	Page 42
"An Insurance Policy for America's Future," by Will R. Manier, Jr. (Journal—October, 1940).....	Page 63
"Do Statutory Provisions, as to Copy of Application for Insurance Being Furnished Applicant, Apply to Application for Reinstatement," by Calvin Wells, III. (Journal—October, 1937).....	Page 70
"It Happened Here," by Cassius E. Gates. (Journal—October, 1936).....	Page 61
"Are We on the Right Track?" by Leslie P. Henry. (Journal—April, 1941).....	Page 7
"Julia Obartuch v. Security Mutual Life Insurance Company of Binghamton, N. Y." by William L. Bourland. (Journal—April, 1941).....	Page 15
"The Barnett Case," by Robert P. Hobson. (Journal—July, 1941).....	Page 23
"Arising Out of the Use," by Royce G. Rowe. (Journal—July, 1941).....	Page 24
"The Law and Insurance," by Bert W. Levit. (Journal—July, 1941).....	Page 27
"The Federal Rules of Civil Procedure and Their Applicability to Insurance Litigation," by John L. Barton. (Journal—January, 1942).....	Page 16
"Methods of Solving Insurance Problems Under Total War Conditions," by J. Dewey Dorsett. (Journal—April, 1942).....	Page 5
"Reinstatement of Life Insurance Policies as Affected by Military or Naval Service of the Insured," by Jos. R. Stewart. (Journal—April, 1942).....	Page 20
"Who's It?" by Benj. Brooks. (Journal—October, 1942).....	Page 12

Insurance Company

"Qualifying and Advising Jurors in Casualty Cases of the Insurance Carrier," by George W. Yancey. (Year Book—1929).....	Page 72
"The American Insurance Company in Canada," by Gideon Grant. (Year Book—1930).....	Page 115
"The Purchase, Consolidation and Refinancing of Insurance Companies," by Alfred M. Best. (Year Book—1932).....	Page 91
"The Right of Injured Party, Who Has Obtained Judgment Against an Assured, to Bring Action Against the Insurance Company During Pendency of an Appeal Without Bond," by A. L. Barber. (Journal—April, 1938).....	Page 27
"How Can the Practicing Lawyer Be of Greater Service to His Client Insurance-Wise?" by Henry W. Nichols. (Journal—October, 1937).....	Page 23
"The Conflict of Law Problems in Relation to Insurance Company Management," by Sterling Pierson. (Journal—January, 1938).....	Page 34
"Insurance Companies and the Lawyers," by John A. Appleman. (Journal—January, 1937).....	Page 19
"The Casualty Home Office Looks to Local Counsel for Better Public Relations," by Victor C. Gorton. (Journal—October, 1941).....	Page 62

Insurance Counsel

"Present Day Extra Legal Activities Demanded of Insurance Counsel," by P. E. Horan. (Journal—April, 1940).....	Page 19
"Insurance Counsel and the Claims Bureau," by Barent Ten Eyck. (Journal—July, 1940).....	Page 32
"The Casualty Home Office Looks to Local Counsel for Better Public Relations," by Victor C. Gorton. (Journal—October, 1941).....	Page 62

Insurance Commissioner

"Extra-Legal Responsibilities of the Insurance Commissioner," by John C. Kidd. (Year Book—1932).....	Page 126
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Insurance Contracts

"The Conflict of Laws in Relation to Insurance Contracts," by Professor Wendell Carnahan. (Journal—January, 1938).....	Page 22
"The Conflict of Laws in Relation to Statutes Regulating Insurance Contracts," by Professor Edwin W. Patterson. (Journal—January, 1938).....	Page 28
"May an Insurance Company Rely on the Allegations of a Complaint Against One of its Insurers in Deciding Whether the Case is One Within the Terms of the Policy?" by Lasher B. Gallagher. (Journal—October, 1941).....	Page 58

Insurance—Insolvent Reinsured

"The Right of the Liquidator of an Insolvent Reinsured to Collect Reinsurance in Full Without Paying the Loss of the Original Insured in Full," by Harold L. Smith. (Journal—January, 1938)..... Page 44

Insurance Law

"Insurance Law and Its Makers," by George L. Naught. (Year Book—1933)..... Page 91

"The Insurance Laws of Massachusetts," by Merton L. Brown. (Year Book—1931)..... Page 246

"The Proposed Revision of New York State Insurance Law," by Leonard M. Gardner. (Journal—October, 1937)..... Page 50

Insurance Lawyer

"How Can the Practicing Lawyer Be of Greater Service to His Client Insurance-Wise?" by Henry W. Nichols. (Journal—October, 1937)..... Page 23

"The Casualty Home Office Looks to Local Counsel for Better Public Relations," by Victor C. Gorton. (Journal—October, 1941)..... Page 62

Insurance—Legislation

"Compulsory Automobile Insurance and Financial Responsibility Legislation," by Ambrose B. Kelly. (Journal—October, 1938)..... Page 37

Insurance—Life

"The Application of Incontestability Clauses in Life Insurance Policies to the Double Indemnity and Disability Benefit Provisions Contained Therein," by Richard B. Montgomery, Jr. (Journal—January, 1938)..... Page 13

Insurance Litigation

"Declaratory Judgments and Insurance Litigation," by R. G. Rowe. (Journal—April, 1937)..... Page 7

Insurance—Recent Federal Decisions

"Recent Developments in Federal Decisions Affecting the Insurance Practitioner," by Wilbur E. Benoy. (Journal—October, 1938)..... Page 53

Insurance—Reinstatement—Must Application Therefor be Furnished Assured or Attached to the Insurance Contract

"Do Statutory Provisions, as to Copy of Application for Insurance Being Furnished Applicant, Apply to Application for Reinstatement," by Calvin Wells, III. (Journal—October, 1937)..... Page 70

Insurance Representation

"Securing and Retaining Insurance Company Representation," by Hugh D. Combs. (Journal—October, 1936)..... Page 52

Insured

"Right to Recover by Estate Where Beneficiary Murders the Insured," by Charles I. Dawson. (Year Book—1931)..... Page 204

"Reinstatement of Life Insurance Policies as Affected by Military or Naval Service of the Insured," by Jos. R. Stewart. (Journal—April, 1942)..... Page 20

Insurer's Liability

"Insurer's Liability — Occupational Diseases," by Thomas N. Bartlett. (Journal—July, 1937)..... Page 32

Insurer's Right to Physical Examination—

"Right of Insurer to Physical Examination of Plaintiff," by Theodore W. Bethea. (Journal—October, 1937)..... Page 59

"May an Insurance Company Rely on the Allegations of a Complaint Against One of its Insurers in Deciding Whether the Case is One Within the Terms of the Policy?" by Lasher B. Gallagher. (Journal—October, 1941)..... Page 58

"Meeting Medical Proof," by Robert E. Dineen. (Journal—January, 1942)..... Page 34

Insuring

"Insuring the Frontiers of Freedom," by Malcolm McDermott. (Journal—October, 1939)..... Page 72

Insurability

"Is the Term Insurability as Used in the Standard Reinstatement Clause Synonymous with Good Health," by Daniel P. Cavanaugh. (Journal—April, 1940)..... Page 10

Insolvent Surety

"Liability of Reinsurer of an Insolvent Surety to Furnishers of Labor or Material on Contracts with the United States," by Walter W. Downs. (Journal—April, 1935)..... Page 9

Intentional Act

"A Death Caused by the Wilful, Intentional Act of Another is Not Accidental," by Russell M. Knepper. (Journal—April, 1936)..... Page 22

Integrated Bar

"Integrated Bar," by Gerald P. Hayes. (Journal—July, 1936)..... Page 25

International

"Some International Problems in Life Insurance Law," by E. K. Williams. (Year Book—1933)..... Page 73

"Insurance Counsel," by Geo. W. Yancey. (Journal—October, 1934)..... Page 14

"The Association—From My Desk," by John A. Luhn. (Journal—April, 1937)..... Page 6

Interrogatories

"Special Verdicts and Interrogatories," by Wilbur E. Benoy. (Journal—October, 1941)..... Page 21

Intervening Efficient Cause

"Probable Cause and Intervening Efficient Cause," by Oscar J. Brown. (Journal—April, 1937)..... Page 31

Investigation

- "Liability of Insurance Company When it Takes Full Charge of the Investigation and Defense," by Robert L. Webb. (Journal—October, 1935).....Page 83

Joinder of Resident Agent as Affects Right of Removal

- "Insurance Company's Right of Removal as Affected by Joinder of Resident Agent," by Cassius E. Gates and Ray Dumett. (Journal—July, 1937).....Page 37

Joint Adventure

- "Joint Adventure—Its Eccentricities and Complications," by Gerald P. Hayes. (Journal—January, 1939).....Page 26

Judgment

- "The Right of Injured Party, Who Has Obtained Judgment Against an Assured, to Bring Action Against the Insurance Company During Pendency of an Appeal Without Bond," by A. L. Barber. (Journal—April, 1938).....Page 27

- "Use of the Declaratory Judgment in Determining the Constitutionality of State Insurance Statutes," by Willis Smith. (Journal—October, 1935).....Page 76

- "An Interesting Case," by Garner W. Denmead. (Journal—April, 1936).....Page 15

Jurisdiction

- "Recent Attempts to Limit the Jurisdiction of Federal Courts," by Howard B. Lee. (Year Book—1932).....Page 103

- "The Power of the Supreme Court from the Viewpoint of the Layman," by John Godfrey Saxe. (Journal—October, 1936).....Page 55

- "Can Federal Jurisdictional Amount Be Measured by Claim Reserve," by O. A. Fountain and H. A. Bateman. (Journal—April, 1937).....Page 29

- "Expanding Federal Jurisdiction Under Third-Party Practice," by Lon Hocker, Jr. (Journal—July, 1942).....Page 32

Jurisprudence—Uniform System

- "Is Mr. Justice Black Justified in Desiring a Uniform System of Jurisprudence?" by Marion N. Chrestman. (Journal—April, 1938).....Page 13

Jurors

- "Qualifying and Advising Jurors in Casualty Cases of the Insurance Carrier," by George W. Yancey. (Year Book—1929).....Page 72

- "Can You Tell What a Jury Will Do?" by A. B. Keller. (Journal—January, 1938).....Page 41

- "Motion for Judgment Notwithstanding Jury's Disobedience to Direction of Verdict," by Lon Hocker, Jr. (Journal—October, 1937).....Page 64

- "Instructions and Argument in Jury Trials," by Joe G. Sweet. (Journal—April, 1939).....Page 11

- "The Rule in Jump's Case," by Thomas L. Johnson. (Journal—October, 1937).....Page 45

Justice

- "Insurance, Crime and British Justice," by F. Phillippe Brais. (Journal—October, 1934).....Page 43

Labor

- "Rights of Persons Furnishing Material or Labor to Subcontractor to Sue Directly on Original Contractor's Construction Bond," by John C. Cooper, Jr. (Year Book—1931).....Page 126

Landlords

- "Effect of Repair Requirements of Housing Laws upon the Common Law Liability of Landlords," by Thomas E. Lipscomb. (Journal—October, 1942).....Page 17

Law

- "Some International Problems in Life Insurance Law," by E. K. Williams. (Year Book—1933).....Page 73

- "Respect for the Law," by Edwin A. Jones. (Year Book—1930).....Page 14

- "The Stability and Progress of the Law," by Edwin A. Jones. (Year Book—1929).....Page 13

- "The Object of the Law," by Edwin A. Jones. (Year Book—1931).....Page 12

- "What the State Bar of Missouri Has Done with Reference to the Unauthorized Practice of Law and Law Lists," by Ernest A. Green. (Journal—January, 1936).....Page 7

- "The Law in Accident Cases in the Federal Court," by Richard B. Montgomery, Jr. (Journal—April, 1938).....Page 22

- "Insurance Laws and Insurance Lawyers," by Hervey J. Drake. (Year Book—1933).....Page 61

- "The Law and Insurance," by Bert W. Levit. (Journal—July, 1941).....Page 27

Law—Conflict

- "The Conflict of Law Problems in Relation to Insurance Company Management," by Sterling Pierson. (Journal—January, 1938).....Page 34

- "The Conflict of Laws in Relation to Insurance Contracts," by Professor Wendell Carnahan. (Journal—January, 1938).....Page 22

- "The Conflict of Laws in Relation to Statutes Regulating Insurance Contracts," by Professor Edwin W. Patterson. (Journal—January, 1938).....Page 28

Law Insurance Practice

- "Securing and Retaining Insurance Company Representation," by Hugh D. Combs. (Journal—October, 1936).....Page 52

Law Makers

- "Insurance Law and Its Makers," by George L. Naught. (Year Book—1933).....Page 91

Law—Practice Of

- "What Constitutes the Practice of Law?"
by Raymond N. Caverly. (Journal—
April, 1938).....Page 36

Law—Progress

- "The Progress of the Law or the Merging
of Ex Contractu Into Ex Delicto," by
Robert L. Webb. (Journal—April, 1937).....Page 33

Law Lists

- "What the State Bar of Missouri Has
Done with Reference to the Unauthorized
Practice of Law and Law Lists," by
Ernest A. Green. (Journal—January, 1936).....Page 7
- "Law Lists," by George L. Naught.
(Journal—April, 1936).....Page 21

Lawyer

- "How Can the Practicing Lawyer Be of
Greater Service to His Client Insurance-
Wise?" by Henry W. Nichols. (Journal—
October, 1937).....Page 23

- "Insurance Laws and Insurance Lawyers,"
by Hervey J. Drake. (Year Book—1933).....Page 61

- "Insurance Companies and the Lawyers,"
by John A. Appleman. (Journal—Jan-
uary, 1937).....Page 19

Lay Adjuster

- "Lay Adjuster," by Harry S. Knight.
(Journal—April, 1937).....Page 22

Legislation

- "Of Legislatures and Legislation," by
Gerald P. Hayes. (Journal—July, 1937).....Page 40

- "New Legislation," by Russell M. Knepper.
(Journal—January, 1937).....Page 20

- "Compulsory Automobile Insurance and
Financial Responsibility Legislation," by
Ambrose B. Kelly. (Journal—October,
1938).....Page 37

Legislatures

- "Of Legislatures and Legislation," by
Gerald P. Hayes (Journal—July, 1937).....Page 40

Liability

- "Liability of Insurance Company When
it Takes Full Charge of the Investigation
and Defense," by Robert L. Webb. (Jour-
nal—October, 1935).....Page 83

- "Liability of a Life Insurance Company
to the Named Insured, Where Another
Person was Substituted for the Medical
Examination" by William L. Bourland.
(Journal—July, 1939).....Page 58

- "Other Insurance," by R. G. Rowe.
(Journal—April, 1936).....Page 26

- "Twisting the Tail of an Auto Liability
Policy," by Fred S. Ball, Jr. (Journal—
July, 1936).....Page 22

- "Liability of a Privately Conducted
Charity for Personal Injuries," by Stevens
T. Mason. (Journal—January, 1936).....Page 17

- "The Effect of Liability Insurance on the
Right of an Unemancipated Minor to Bring
an Action at Law Against and to Recover
from a Parent for Injuries to the Minor's
Person Received as a Result of the Neg-
ligent and Unlawful Conduct of the
Minor's Parent," by Miller Manier.
(Journal—April, 1936).....Page 19

- "Liability Insurance Carriers as Parties to
Actions Against Policyholders Under New
Federal Rules," by John E. Tarrant.
(Journal—January, 1939).....Page 32

- "Compulsory Automobile Liability In-
surance," by Ray B. Murphy. (Journal
—October, 1939).....Page 67

- "Wilful Act as Defense Under Liability
Policy," by Harvey E. White. (Journal—
April, 1938).....Page 10

- "What is 'Bad Faith' as Applied to the
Action of an Insurance Carrier in Refus-
ing to Make Settlements, Where Possible,
Within the Policy Limits of Liability
Policies?" by George W. Yancey. (Year
Book—1932).....Page 16

- "Disclaimer, Letters of Reservation of
Rights and Non-Waiver Agreements under
Liability Insurance Policies," by C. M.
Horn. (Journal—October, 1940).....Page 42

- "Is a Contractor's Surety Liable for Un-
paid Premiums on Workmen's Compens-
ation and Public Liability Policies Exec-
uted for the Contractor by Another
Company?" by Garner W. Denmead.
(Journal—April, 1941).....Page 10

- "Julia Obartuch v. Security Mutual Life
Insurance Company of Binghamton, N.
Y." by William L. Bourland. (Journal—
April, 1941).....Page 15

- "The Barnett Case," by Robert P. Hob-
son. (Journal—July, 1941).....Page 23

- "Debate," by Robert Guinther. (Journal—
July, 1942).....Page 22

- "Who's It?" by Benj. Brooks. (Journal—
October, 1942).....Page 12

- "Wilful Act as a Defense Under Liability
Policy," by Stevens T. Mason. (Journal—
October, 1942).....Page 14

- "Effect of Repair Requirements of Hous-
ing Laws upon the Common Law Liability
of Landlords," by Thomas E. Lipscomb.
(Journal—October, 1942).....Page 17

- "Surety's Liability for Injuries Resulting
from Negligent Operation of a Motor
Vehicle by Public Officer," by J. Harry
Schisler. (Journal—October, 1942).....Page 20

Library

- "The Insurance Lawyer's Library," by
Stanley M. Rosewater. (Journal—Oc-
tober, 1936).....Page 22

Licenses

- "Discussion of Three New York Decisions," by Joseph B. Murphy. (Journal—April, 1936)..... Page 23

Lien

- "Where Surety's Cause of Action on Indemnity Agreement Arises After Distribution of Deceased Indemnitor's Estate, Lien can be Impressed on Distributed Property," by Byrne A. Bowman. (Journal—July, 1942)..... Page 12

Life

- "The Effect of the Presumption Against Suicide Upon Burden of Proof in Life and Accident Cases," by Richard B. Montgomery, Jr. (Journal—October, 1935)..... Page 51
- "Taking Poison and Inhaling Gas as an Exception to the Double Indemnity Provision," by L. A. Stebbins. (Journal—January, 1935)..... Page 10

Life Insurance

- "An Introduction to the Common Law of Life Insurance," by Joseph H. Collins. (Journal—October, 1935)..... Page 39
- "Some Legal Phases of the Surrender of Life Insurance Policies," by Stanley K. Henshaw. (Journal—October, 1934)..... Page 23
- "Some International Problems in Life Insurance Law," by E. K. Williams. (Year Book—1933)..... Page 73
- "The Application of Incontestability Clauses in Life Insurance Policies to the Double Indemnity and Disability Benefit Provisions Contained Therein," by Richard B. Montgomery, Jr. (Journal—January, 1938)..... Page 13
- "Notice and Proof Under the Disability Provisions of Life Insurance Policies," by J. W. French. (Journal—January, 1939)..... Page 13
- "Liability of a Life Insurance Company to the Named Insured, Where Another Person was Substituted for the Medical Examination," by William L. Bourland. (Journal—July, 1939)..... Page 58
- "Julia Obartuch v. Security Mutual Life Insurance Company of Binghamton, N. Y." by William L. Bourland. (Journal—April, 1941)..... Page 15
- "Reinstatement of Life Insurance Policies as Affected by Military or Naval Service of the Insured," by Jos. R. Stewart. (Journal—April, 1942)..... Page 20

Limit of Liability

- "Penalty of Bond as Limit of Surety's Liability," by John A. Luhn. (Journal—April, 1934)..... Page 8

Looking Forward

- "Looking Forward," by Walter R. Mayne. (Journal—October, 1935)..... Page 32

Loss Ratios

- "Forecasting Loss Ratios on Personal Liability," by John A. Appleman. (Journal—July, 1936)..... Page 21

Loss of Services—Right to Revive

- "Right to Revive Suit for Loss of Services," by Miller Manier. (Journal—April, 1937)..... Page 21

Malingeringers

- "Bogus Claimants and Malingeringers," by Remington Rogers. (Journal—January, 1935)..... Page 12
- "A Message from the Garden State," by Herbert W. J. Hargrave. (Journal—July, 1938)..... Page 18

- "Combating Fraudulent Claims," by Frank M. Parrish. (Journal—July, 1938)..... Page 26

Malpractice

- "Malpractice," by D. H. McLaughlin. (Journal—July, 1940)..... Page 24

Massachusetts

- "The Insurance Laws of Massachusetts," by Merton L. Brown. (Year Book—1931)..... Page 246

Materialmen's Acts

- "Development of the Federal Materialmen's Act," by Leonard J. Ganse. (Journal—July, 1936)..... Page 26

Medical Examination

- "Liability of a Life Insurance Company to the Named Insured, Where Another Person was Substituted for the Medical Examination," by William L. Bourland. (Journal—July, 1939)..... Page 58
- "Meeting Medical Proof," by Robert E. Dineen. (Journal—January, 1942)..... Page 34

Mental Incapacity

- "Liability of Health Insurer for Mental Incapacity Produced by Excessive Use of Drugs," by Milo H. Crawford. (Journal—April, 1937)..... Page 11
- "Physical or Mental Incapacity as an Excuse for Failure to Give Notice of Accident or Make Proof of Disability Required by Provisions of Accident and Life Insurance Policies," by Frank C. Haymond. (Journal—April, 1938)..... Page 15

Military

- "Reinstatement of Life Insurance Policies as Affected by Military or Naval Service of the Insured," by Jos. R. Stewart. (Journal—April, 1942)..... Page 20

Minor

- "Violation of a Statute by a Minor Under Fourteen Years of Age Precluding Recovery," by J. Roy Dickie. (Journal—April, 1937)..... Page 24

- "Discussion of Three New York Decisions," by Joseph B. Murphy. (Journal—April, 1936)..... Page 23

"The Effect of Liability Insurance on the Right of an Unemancipated Minor to Bring an Action at Law Against and to Recover from a Parent for Injuries to the Minor's Person Received as a Result of the Negligent and Unlawful Conduct of the Minor's Parent," by Miller Manier. (Journal—April, 1936).....Page 19

Missouri

"What the State Bar of Missouri Has Done with Reference to the Unauthorized Practice of Law and Law Lists," by Ernest A. Green. (Journal—January, 1936).....Page 7

Mortgage Clause

"The Mortgagee under the Standard or Union Mortgage Clause, Some of His Rights and Liabilities," by Lionel P. Kristeler. (Journal—October, 1935).....Page 66

Motor

Motor Carrier Act of 1935. (Journal—July, 1936).....Page 10

"Surety's Liability for Injuries Resulting from Negligent Operation of a Motor Vehicle by Public Officer," by J. Harry Schisler. (Journal—October, 1942).....Page 20

Motion

"Motion for Judgment Notwithstanding Jury's Disobedience to Direction of Verdict," by Lon Hocker, Jr. (Journal—October, 1937).....Page 64

Murder

"Right to Recover by Estate Where Beneficiary Murders the Insured," by Charles I. Dawson. (Year Book—1931).....Page 204

Navy

"Reinstatement of Life Insurance Policies as Affected by Military or Naval Service of the Insured," by Jos. R. Stewart. (Journal—April, 1942).....Page 20

"Litigation Under the Provisions of the Soldiers' and Sailors' Civil Relief Act of 1940," by John B. Martin. (Journal—October, 1941).....Page 54

Negligence

"Wife v. Husband's Employer," by J. Roy Dickie. (Journal—April, 1936).....Page 2

"Capacity of an Infant to Commit Negligence," by Lowell White. (Journal—April, 1936).....Page 25

"Probable Cause and Intervening Efficient Cause," by Oscar J. Brown. (Journal—April, 1937).....Page 31

"Is a Disease Resulting from Employer's Negligence Actionable?" by Stevens T. Mason. (Journal—July, 1938).....Page 25

"Surety's Liability for Injuries Resulting from Negligent Operation of a Motor Vehicle by Public Officer," by J. Harry Schisler. (Journal—October, 1942).....Page 20

New York

"The Proposed Revision of New York State Insurance Law," by Leonard M. Gardner. (Journal—October, 1937).....Page 50

Notice

"Notice and Proof Under the Disability Provisions of Life Insurance Policies," by J. W. French. (Journal—January, 1939).....Page 13

"Physical or Mental Incapacity as an Excuse for Failure to Give Notice of Accident or Make Proof of Disability Required by Provisions of Accident and Life Insurance Policies," by Frank C. Haymond. (Journal—April, 1938).....Page 15

Non-Waiver

"Disclaimer, Letters of Reservation of Rights and Non-Waiver Agreements under Liability Insurance Policies," by C. M. Horn. (Journal—October, 1940).....Page 42

Occupational Disease

"Is a Disease Resulting from Employer's Negligence Actionable?" by Stevens T. Mason. (Journal—July, 1938).....Page 25

"VII. This Agreement Shall Apply Only to Such Injuries so Sustained by Reason of Accidents Occurring During the Policy Period Limited and Defined as Such in Item 2 of Said Declarations," by Benj. Brooks. (Journal—July, 1938).....Page 21

"Recovery for Occupational Diseases at the Common Law," by George W. Yancey and J. Kirkman Jackson. (Journal—January, 1936).....Page 10

"Dust Diseases as a Legislative Problem," by Raymond N. Caverly. (Journal—January, 1937).....Page 27

"Insurer's Liability—Occupational Diseases," by Thomas N. Bartlett. (Journal—July, 1937).....Page 32

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"Insurance Aspects of Compensation for Occupational Diseases," by Thomas N. Bartlett. (Journal—January, 1940).....Page 23

"Is the Contraction of Silicosis an Accident," by William O. Reeder. (Journal—July, 1935).....Page 17

Old-Age Benefits

"Federal Old-Age Benefits and Private Pension Plans," by Leonard J. Calhoun. (Journal—October, 1936).....Page 34

Old-Age Security

"What is This Thing Called Old Age Security?" by Arthur L. Aiken. (Journal—January, 1937).....Page 21

"The Paddleford Case," by Charles H. McComas. (Journal—July, 1940).....Page 29

Ownership

- "Arising Out of the Use," by Royce G. Rowe. (Journal—July, 1941)..... Page 24

Parent

- "The Effect of Liability Insurance on the Right of an Unemancipated Minor to Bring an Action at Law Against and to Recover from a Parent for Injuries to the Minor's Person Received as a Result of the Negligent and Unlawful Conduct of the Minor's Parent," by Miller Manier. (Journal—April, 1936)..... Page 19

Penalty

- "Penalty of Bond as Limit of Surety's Liability," by John A. Luhn. (Journal—April, 1934)..... Page 8

- "Statutes Which Impose Penalties Against Insurance Companies for Vexatious Refusal to Pay a Loss," by Wayne Ely. (Year Book—1929)..... Page 51

- "Taxes and Penalties," by George L. Naught. (Journal—April, 1939)..... Page 13

Pension Funds

- "Federal Old-Age Benefits and Private Pension Plans," by Leonard J. Calhoun. (Journal—October, 1936)..... Page 34

Permanent Disability

- "Total and Permanent Disability," by Lewis A. Stebbins. (Year Book—1931)..... Page 24

- "The Tragedy of the Efforts of Life Insurance Companies to Provide Benefits in Case of Total and Permanent Disability of Policyholders," by W. Calvin Wells. (Journal—April, 1934)..... Page 11

Personal Injuries

- "Liability of a Privately Conducted Charity for Personal Injuries," by Stevens T. Mason. (Journal—January, 1936)..... Page 17

- "Some Observations on the Defense of Personal Injury Cases," by W. H. Sadler. (Journal—July, 1941)..... Page 30

- "The Trend of Decisions in Actions Between Husband and Wife for Personal Injury," by Clarence W. Heyl. (Journal—January, 1942)..... Page 39

Physical Examination

- "Right of Insurer to Physical Examination of Plaintiff," by Theodore W. Bethea. (Journal—October, 1937)..... Page 59

- "Meeting Medical Proof," by Robert E. Dineen. (Journal, January, 1942)..... Page 34

Physical Facts

- "The Rule in Jump's Case," by Thomas L. Johnson. (Journal—October, 1937)..... Page 45

Physical Incapacity—Notice

- "Physical or Mental Incapacity as an Excuse for Failure to Give Notice of Accident or Make Proof of Disability Required by Provisions of Accident and Life Insurance Policies," by Frank C. Haymond. (Journal—April, 1938)..... Page 15

Policy

- "Liability Under the Provisions of a Policy of Health Insurance Providing for Both House Confinement and Non-House Confinement," by Harold S. Thomas. (Journal—April, 1935)..... Page 15

- "Standard Automobile Insurance Policy," by R. G. Rowe. (Journal—October, 1934)..... Page 19

- "Right to Direct and Control," by Benj. Brooks. (Journal—April, 1935)..... Page 3

- "Wilful Act as Defense Under Liability Policy," by Harvey E. White. (Journal—April, 1938)..... Page 10

- "Other Insurance," by R. G. Rowe. (Journal—April, 1936)..... Page 26

- "Disclaimer, Letters of Reservation of Rights and Non-Waiver Agreements under Liability Insurance Policies," by C. M. Horn. (Journal—October, 1940)..... Page 42

- "The Trend of the Times in Revision of Policy Forms and Broadening of Coverages," by J. M. Sweitzer. (Journal—October, 1940)..... Page 51

- "An Insurance Policy for America's Future," by Will R. Manier, Jr. (Journal—October, 1940)..... Page 63

- "Wilful Act as a Defense Under Liability Policy," by Stevens T. Mason. (Journal—October, 1942)..... Page 14

Premium

- "Is a Contractor's Surety Liable for Unpaid Premiums on Workmen's Compensation and Public Liability Policies Executed for the Contractor by Another Company?" by Garner W. Denmead. (Journal—April, 1941)..... Page 10

- "May an Insurance Company Rely on the Allegations of a Complaint Against One of its Insurers in Deciding Whether the Case is One Within the Terms of the Policy?" by Lasher B. Gallagher. (Journal—October, 1941)..... Page 58

Poison

- "Taking Poison and Inhaling Gas as an Exception to the Double Indemnity Provision," by L. A. Stebbins. (Journal—January, 1935)..... Page 10

Political Spoilation

- "Guarding Insurance from Political Spoilation," by Henry Swift Ives. (Journal—October, 1935)..... Page 70

Practice

"Third-Party Practice Under Federal Rule," by John A. Kluwin. (Journal—October, 1941)..... Page 35

"Expanding Federal Jurisdiction Under Third-Party Practice," by Lon Hocker, Jr. (Journal—July, 1942)..... Page 32

"Is a Contractor's Surety Liable for Unpaid Premiums on Workmen's Compensation and Public Liability Policies Executed for the Contractor by Another Company?" by Garner W. Denmead. (Journal—April, 1941)..... Page 10

Preparation

"The Preparation and Defense of Insurance Cases," by David F. Lee. (Year Book—1931)..... Page 59

Presumption

"The Effect of the Presumption Against Suicide Upon Burden of Proof in Life and Accident Cases," by Richard B. Montgomery, Jr. (Journal—October, 1935)..... Page 51

"Doctrine of Res Ipsa Loquitur," by Del B. Salmon. (Journal—July, 1936)..... Page 32

Probable Cause

"Probable Cause and Intervening Efficient Cause," by Oscar J. Brown. (Journal—April, 1937)..... Page 31

Problems

"Problems of Casualty Insurance," by Martin P. Cornelius. (Year Book—1933) Page 150

Procedure

"Removal Procedure In Ordinary Civil Cases," by Richard B. Montgomery, Jr. (Journal—April, 1937)..... Page 13

"Federal Practice and Procedure Special Verdicts," by John H. Hughes. (Journal—October, 1941)..... Page 28

Progress

"The Progress of Aeronautical Law," by E. Smythe Gambrell. (Journal—October, 1936)..... Page 69

Proximate Cause

"Probable Cause and Intervening Efficient Cause," by Oscar J. Brown. (Journal—April, 1937)..... Page 31

Public Official

"Surety and Fidelity As It Pertains to Public Official Bonds," by Jacob S. White. (Year Book—1930)..... Page 155

"Surety's Liability for Injuries Resulting from Negligent Operation of a Motor Vehicle by Public Officer," by J. Harry Schisler. (Journal—October, 1942)..... Page 20

Public Liability

"Is a Contractor's Surety Liable for Unpaid Premiums on Workmen's Compensation and Public Liability Policies Executed for the Contractor by Another Company?" by Garner W. Denmead. (Journal—April, 1941)..... Page 10

Qualifying

"Qualifying and Advising Jurors in Casualty Cases of the Insurance Carrier," by George W. Yancey. (Year Book—1929)..... Page 72

Qualifications

"Qualifications of an Expert Witness," by Joe G. Sweet. (Journal—October, 1942)..... Page 7

Rates

"Court Action Abuses in State Regulation of Insurance Rates," by Arthur G. Powell. (Year Book—1930)..... Page 236

Reinstatement—Application Therefor

"Do Statutory Provisions, as to Copy of Application for Insurance Being Furnished Applicant, Apply to Application for Reinstatement," by Calvin Wells, III. (Journal—October, 1937)..... Page 70

Reinsurance—Rights of Parties

"The Right of the Liquidator of an Insolvent Reinsured to Collect Reinsurance in Full Without Paying the Loss of the Original Insured in Full," by Harold L. Smith. (Journal—January, 1938)..... Page 44

Reinsurer

"Liability of Reinsurer of an Insolvent Surety to Furnishers of Labor or Material on Contracts with the United States," by Walter W. Downs. (Journal—April, 1935) Page 9

Removal of Causes

"Insurance Company's Right of Removal as Affected by Joinder of Resident Agent," by Cassius E. Gates and Ray Dumett. (Journal—July, 1937)..... Page 37

"Removal Procedure In Ordinary Civil Cases," by Richard B. Montgomery, Jr. (Journal—April, 1937)..... Page 13

Reserve as Affecting Federal Jurisdiction

"Can Federal Jurisdictional Amount Be Measured by Claim Reserve," by O. A. Fountain and H. A. Bateman. (Journal—April, 1937)..... Page 29

Reservation of Rights

"Disclaimer, Letters of Reservation of Rights and Non-Waiver Agreements under Liability Insurance Policies," by C. M. Horn. (Journal—October, 1940)..... Page 42

Res Ipsa Loquitur

"Doctrine of Res Ipsa Loquitur," by Del B. Salmon. (Journal—July, 1936)..... Page 32

Responsibility

"Responsibility of Charitable Institutions for Tort," by Pat H. Eager, Jr. (Journal—October, 1939)..... Page 23

Restitution

"Restitution of Embezzled Funds," by Stevens T. Mason. (Journal—January, 1938)..... Page 37

Revival of Suit

- "Right to Revive Suit for Loss of Services," by Miller Manier. (Journal—April, 1937) Page 21

Roster

- Roster Supplement July, 1935. (Journal—January, 1936) Page 26
 Roster (Journal—January, 1937) Page 31
 Roster (Journal—July, 1938) Page 28
 Roster (Journal—April, 1939) Page 24
 Roster (Journal—April, 1940) Page 35
 Roster (Journal—April, 1941) Page 18
 Roster (Journal—April, 1942) Page 31

Rule in Jump's Case

- "The Rule in Jump's Case," by Thomas L. Johnson. (Journal—October, 1937) Page 45

Safety

- "Forwarding the Cause of Traffic Safety," by Sidney J. Williams. (Journal—October, 1937) Page 53
 "Forwarding the Cause of Traffic Safety," by Robert E. Hall. (Journal—October, 1937) Page 56
 "Forwarding the Cause of Traffic Safety," by Francis M. Holt. (Journal—October, 1937) Page 58

Sailors

- "Litigation Under the Provisions of the Soldiers' and Sailors' Civil Relief Act of 1940," by John B. Martin. (Journal—October, 1941) Page 54

Salvage

- "Salvage an Important Factor in Surety Cases," by J. Harry Schisler. (Journal—October, 1938) Page 40
 "Suggestions for Handling Forgery Losses With a View to Preserving Salvage Rights," by Stevens T. Mason. (Journal—January, 1941) Page 14

Security—Old Age

- "What is This Thing Called Old Age Security?" by Arthur L. Aiken. (Journal—January, 1937) Page 21

Silicosis

- "Is the Contraction of Silicosis an Accident," by William O. Reeder. (Journal—July—1935) Page 17
 "Discussion of Three New York Decisions," by Joseph B. Murphy. (Journal—April, 1936) Page 23

Social Insurance

- "Social Insurance," by Governor Paul V. McNutt of Indiana. (Journal—October, 1934) Page 17

Social Security

- "Federal Old-Age Benefits and Private Pension Plans," by Leonard J. Calhoun. (Journal—October, 1936) Page 34

- "It Happened Here," by Cassius E. Gates. (Journal—October, 1936) Page 61

Soldiers

- "Litigation Under the Provisions of the Soldiers' and Sailors' Civil Relief Act of 1940," by John B. Martin. (Journal—October, 1941) Page 54
 "Litigation Under the Provisions of the Soldiers' and Sailors' Civil Relief Act of 1940," by John B. Martin. (Journal—October, 1941) Page 54

Stability and Progress

- "The Stability and Progress of the Law," by Edwin A. Jones. (Year Book—1929) Page 13

Standard

- "Standard Automobile Insurance Policy," by R. G. Rowe. (Journal—October, 1934) Page 19
 "The Mortgagee under the Standard or Union Mortgage Clause, Some of His Rights and Liabilities," by Lionel P. Kristeler. (Journal—October, 1935) Page 66
 "Is the Term Insurability as Used in the Standard Reinstatement Clause Synonymous with Good Health," by Daniel P. Cavanaugh. (Journal—April, 1940) Page 10

State Law

- "Determinations by State Intermediate Appellate Courts Generally—as Controlling of State Law," by W. L. Kemper. (Journal—July, 1941) Page 21
 "A Conflict—Settled or Started," by William G. Pickrel. (Journal—April, 1942) Page 17

Statutes

- "The Conflict of Laws in Relation to Statutes Regulating Insurance Contracts," by Professor Edwin W. Patterson. (Journal—January, 1938) Page 28

Storage

- "Blasting," by Allan E. Brosmith. (Journal—July, 1942) Page 17

Subrogation

- "Right of Insurance Company to Subrogation for Contribution from Joint Tort Feasor," by Harvey E. White. (Journal—April, 1936) Page 11
 "Salvage an Important Factor in Surety Cases," by J. Harry Schisler. (Journal—October, 1936) Page 40
 "Subrogation Problems," by Oscar J. Brown. (Journal—October, 1936) Page 50

Suicide

- "Statutory Denial of the Defense of Suicide," by Solon T. Gilmore. (Year Book—1928) Page 36
 "The Effect of the Presumption Against Suicide Upon Burden of Proof in Life and Accident Cases," by Richard B. Montgomery, Jr. (Journal—October, 1935) Page 51

Suit by Wife

- "Wife v. Husband's Employer," by J. Roy Dickie. (Journal—April, 1936)..... Page 2

Supersedeas Bonds—Rights of Surety

- "Can Surety on Supersedeas Bond Always, After Paying Judgment, Execute Same as Against Principal in Bond?" by Marion N. Chrestman. (Journal—April, 1936)..... Page 18

Supreme Court (Power)

- "The Power of the Supreme Court from the Viewpoint of the Layman," by John Godfrey Saxe. (Journal—October, 1936) Page 55

Sureties

- "The Ability of Sureties to Control Payments Due Under Government Contracts," by Thomas F. Mount. (Journal—April, 1938)..... Page 33

- "Federal Courts Clarify Rights of Sureties on Bonds of Government Contractors and Establish Procedure for Enforcement," by John A. Luhn. (Journal—April, 1938)..... Page 9

- "Surety and Fidelity As It Pertains to Public Official Bonds," by Jacob S. White (Year Book—1930)..... Page 155

- "The Right of a Surety on a Bail Bond to Return a Prisoner to Distant State or to Release a Prisoner Where the Governor Refuses to Issue Extradition," by Wm. A. Porteous, Jr. (Year Book—1931)..... Page 217

- "What is a Compensated Surety, and Why," by James A. Dixon. (Journal—July, 1934)..... Page 10

- "Corporate Suretyship," by George M. Weichelt. (Journal—October, 1934)..... Page 38

- "Liability of Reinsurer of an Insolvent Surety to Furnishers of Labor or Material on Contracts with the United States," by Walter W. Downs. (Journal—April, 1935) Page 9

- "Can Surety on Supersedeas Bond Always, After Paying Judgment, Execute Same as Against Principal in Bond?" by Marion N. Chrestman. (Journal—April, 1936)..... Page 18

- "Exoneration of Surety," by Stevens T. Mason. (Journal—January, 1939)..... Page 21

- "Development of the Federal Materialmen's Act," by Leonard J. Ganse. (Journal—July, 1936)..... Page 26

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- "The Effect on the Surety's Obligation of the Fact that the Principal Does Not Become Bound to the Obligor," by James A. Dixon. (Journal—July, 1937)..... Page 27

- "Penalty of Bond as Limit of Surety's Liability," by John A. Luhn. (Journal—April, 1934)..... Page 8

- "Right of Surety to Recover from Bank on the Theory of Conversion of Trust Funds," by P. E. Reeder. (Journal—April, 1937)..... Page 26

- "Salvage an Important Factor in Surety Cases," by J. Harry Schisler. (Journal—October, 1936)..... Page 40

- "Is a Contractor's Surety Liable for Unpaid Premiums on Workmen's Compensation and Public Liability Policies Executed for the Contractor by Another Company?" by Garner W. Denmead. (Journal—April, 1941)..... Page 10

- "Where Surety's Cause of Action on Indemnity Agreement Arises After Distribution of Deceased Indemnitor's Estate, Lien can be Impressed on Distributed Property," by Byrne A. Bowman. (Journal—July, 1942)..... Page 12

- "Surety's Liability for Injuries Resulting from Negligent Operation of a Motor Vehicle by Public Officer," by J. Harry Schisler. (Journal—October, 1942)..... Page 20

Suretyship

- "The Dawn and Evolution of Suretyship," by Ralph R. Hawxhurst. (Journal—October, 1936)..... Page 69

- "Hazards of Individual Suretyship," by Harry S. Knight. (Journal—July, 1938)..... Page 7

- "Is Suretyship Insurance?" by Clarence F. Merrell. (Journal—October, 1938)..... Page 30

Surrender

- "Some Legal Phases of the Surrender of Life Insurance Policies," by Stanley K. Henshaw. (Journal—October, 1934)..... Page 23

Tax Administration

- "Equity in Tax Administration," by Robert H. Jackson. (Journal—October, 1935)..... Page 94

Taxes

- "Taxes and Penalties," by George L. Naught. (Journal—April, 1939)..... Page 13

Theft

- "What is Automobile Theft Insurance?" by M. L. Landis. (Journal—April, 1940)..... Page 23

Third Party

- "Expanding Federal Jurisdiction Under Third-Party Practice," by Lon Hocker, Jr. (Journal—July, 1942)..... Page 32

- "Third-Party Practice Under Federal Rule," by John A. Kluwin. (Journal—October, 1941)..... Page 35

Tort Feasor

"Right of Insurance Company to Subrogation for Contribution from Joint Tort Feasor," by Harvey E. White. (Journal—April, 1936).....Page 11

"When Verdict for Plaintiff Against One of Two Defendants, in a Personal Injury Action, May the Losing Defendant or His Insurance Company Have an Indemnity Action Against the Winning Defendant, as the Real Tort Feasor, Notwithstanding the Verdict," by H. Melvin Roberts. (Journal—October, 1937).....Page 35

"Settlement in States that Allow Contribution Among Tort-Feasors," by Herbert L. Bloom. (Journal—July, 1942).....Page 45

Torts

"Responsibility of Charitable Institutions for Tort," by Pat H. Eager, Jr. (Journal—October, 1939).....Page 23

"A Death Caused by the Wilful, Intentional Act of Another is Not Accidental," by Russell M. Knepper. (Journal—April, 1936).....Page 22

Total Disability

"Total and Permanent Disability," by Lewis A. Stebbins. (Year Book—1931).....Page 24

Trade

"Trading With the Enemy," by P. F. Burke. (Journal—April, 1942).....Page 26

Traffic Safety

"Forwarding the Cause of Traffic Safety," by Sidney J. Williams. (Journal—October, 1937).....Page 53

"Forwarding the Cause of Traffic Safety," by Robert E. Hall. (Journal—October, 1937).....Page 56

"Forwarding the Cause of Traffic Safety," by Francis M. Holt. (Journal—October, 1937).....Page 58

Trial Counsel

"To our Trial Counsel—The Compliments of the Home Office," by Frank J. Roan. (Journal—October, 1935).....Page 100

"Aid of Home Office Counsel in the Trial of Cases," by Chas. H. McComas. (Journal—April, 1939).....Page 9

Trust Funds

"Right of Surety to Recover from Bank on the Theory of Conversion of Trust Funds," by P. E. Reeder. (Journal—April, 1937).....Page 26

Trustees in Bankruptcy

"Is the Deposit of a Trustee in Bankruptcy of an Insolvent Bank Which Has Been Designed as a Depository, a Preferred Creditor Under United States Code, Title 41, Sections 191 and 193, Revised Statutes Section 3466 and 3468," by John G. McKay. (Year Book—1932).....Page 115

Unauthorized

"Unauthorized Insurance," by A. V. Gruhn. (Journal—April, 1935).....Page 20

Unauthorized Practice of Law

"What the State Bar of Missouri Has Done with Reference to the Unauthorized Practice of Law and Law Lists," by Ernest A. Green. (Journal—January, 1936).....Page 7

"Unauthorized Practice of Law," by Hervey J. Drake. (Journal—January, 1937).....Page 25

"Lay Adjuster," by Harry S. Knight. (Journal—April, 1937).....Page 22

"What Constitutes the Practice of Law?" by Raymond N. Caverly. (Journal—April, 1938).....Page 36

"Chasing Devils," (An Insurance Lawyer's Views on Unauthorized Practice) by E. W. Sawyer. (Journal—October, 1938).....Page 42

Decision of the Supreme Court of Alabama in the J. L. Wilkey Case. (Journal—April, 1939).....Page 6

Unauthorized Practice of Law—Decision of Supreme Court of Alabama in case of Birmingham Bar Association v. Phillips & Marsh, et als. (Journal—April, 1940).....Page 6

Uniform System—Jurisprudence

"Is Mr. Justice Black Justified in Desiring a Uniform System of Jurisprudence?" by Marion N. Chrestman. (Journal—April, 1938).....Page 13

Validity

"Validity of Indemnity Executed by Business Corporations on behalf of Third Parties," by Henry W. Nichols. (Journal—January, 1940).....Page 20

Verdicts

"Special Verdicts and Interrogatories," by Wilbur E. Benoy. (Journal—October, 1941).....Page 21

"Federal Practice and Procedure Special Verdicts," by John H. Hughes. (Journal—October, 1941).....Page 28

Violation

"Violation of a Statute by a Minor Under Fourteen Years of Age Precluding Recovery," by J. Roy Dickie. (Journal—April, 1937).....Page 24

"Violation of Law Clauses in Health and Accident Insurance Policies," by Estes Kefauver. (Journal—January, 1939).....Page 37

Wanton Act Not Accidental

"Wanton Act Not Accidental," by Russell M. Knepper. (Journal—April, 1937).....Page 37

War

"Methods of Solving Insurance Problems Under Total War Conditions," by J. Dewey Dorsett. (Journal—April, 1942).....Page 5

- "Trading With the Enemy," by P. F. Burke. (Journal—April, 1942).....Page 26
- "Citizenship and the Bill of Rights in War Time," by Willis Smith. (Journal—July, 1942).....Page 5
- War Risks Decisions**
- "The Value and Availability of War Risk Decisions in the Defense of Disability Litigation," by R. W. Shackleford. (Journal—April, 1938).....Page 5
- Warranties**
- "Warranties in Fidelity Insurance," by David A. Murphy. (Year Book—1928).....Page 28
- Wife's Suit**
- "Wife v. Husband's Employer," by J. Roy Dickie. (Journal—April, 1936).....Page 2
- Wilful Act**
- "A Death Caused by the Wilful, Intentional Act of Another is Not Accidental," by Russell M. Knepper. (Journal—April, 1936).....Page 22
- "Wilful Act as Defense Under Liability Policy," by Harvey E. White. (Journal—April, 1938).....Page 10
- "Wilful Act as a Defense Under Liability Policy," by Stevens T. Mason. (Journal—October, 1942).....Page 14
- Witness**
- "Qualifications of an Expert Witness," by Joe G. Sweet. (Journal—October, July, 1942).....Page 7
- "Who's Lying Now?" by Kenneth B. Hawkins. (Journal—July, 1938).....Page 3
- Workmen's Compensation**
- "Ominous Abuses Threatening the Insurability of Workmen's Compensation," by F. Robertson Jones. (Year Book—1932).....Page 44
- "VII. This Agreement Shall Apply Only to Such Injuries so Sustained by Reason of Accidents Occuring During the Policy Period Limited and Defined as Such in Item 2 of Said Declarations," by Benj. Brooks. (Journal—July, 1938).....Page 21
- "Is a Contractor's Surety Liable for Unpaid Premiums on Workmen's Compensation and Public Liability Policies Executed for the Contractor by Another Company?" by Garner W. Denmead. (Journal—April, 1941).....Page 10

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